

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUNGIE, INC.,

Plaintiff,

v.

AIMJUNKIES.COM; PHOENIX
DIGITAL GROUP LLC; DAVID
SCHAEFER; JORDAN GREEN;
JEFFREY CONWAY; and JAMES MAY,

Defendants.

No. 2:21-cv-811-TSZ

DECLARATION OF CHRISTIAN
MARCELO IN RESPONSE TO
DECLARATION OF PHILIP P. MANN
REGARDING DKT. NO. 135

I, Christian Marcelo, declare as follows:

1. I am an attorney licensed to practice law before the courts of the State of Washington. I am an attorney at Perkins Coie LLP, and counsel in this action for Plaintiff Bungie, Inc. (“Bungie” or “Plaintiff”). I submit this declaration in response to the Declaration of Philip P. Mann (Dkt. No. 137, hereafter “Mann Declaration” or “Mann Decl.”) regarding the Court’s May 16, 2023 Order (Dkt. No. 135). I have personal knowledge of the facts stated herein and, if called upon, could and would testify competently thereto under oath.

2. In support of Defendants’ Motion for Relief from Deadline for Disclosure of Expert Testimony (Dkt. No. 128), Defendants stated that “the deadline for disclosing expert testimony . . . should be extended in order to permit Defendants’ Expert to analyze the information

MARCELO DECL. IN RESPONSE TO MANN DECL.
(No. 2:21-cv-811-TSZ) – 1

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1 provided by Bungie for the first time in April and May, 2023, long after the prior November 21,
2 202[2] deadline” Dkt. No. 128 ¶ 6.

3 3. In response to the Court’s May 16, 2023 Order, Defendants’ counsel identified five
4 documents produced by Bungie that form the basis of Defendants’ purported expert’s opinion:
5 BUNGIE_WDWA_0000410, BUNGIE_WDWA_0000416, BUNGIE_WDWA_0000421
6 BUNGIE_WDWA_0000368, and BUNGIE_WDWA_0000409 (the “Bungie Documents”).

7 4. Bungie produced each of the Bungie Documents to Defendants on July 25, 2022.

8
9 I declare under penalty of perjury under the laws of the United States that the foregoing is
10 true and correct.

11
12 Executed this 23rd day of May, 2023.

13 /s/ Christian W. Marcelo
14 Christian W. Marcelo